



**PLANNING BOARD**

Linda K. Hamlin, Chairman  
Steven A. Heikin, Clerk  
Robert Cook  
Blair Hines  
Sergio Modigliani  
Matthew Oudens  
Mark J. Zarrillo

# Town of Brookline Massachusetts

Town Hall, Third Floor  
333 Washington Street  
Brookline, MA 02445  
(617) 730-2130  
[www.brooklinema.gov](http://www.brooklinema.gov)

## **BROOKLINE PLANNING BOARD HEARING MINUTES ON WARRANT ARTICLES Room 111, Brookline Town Hall October 13, 2016 – 7:30 p.m.**

**Board Present:** Linda Hamlin, Steven Heikin, Robert Cook, Blair Hines,  
Sergio Modigliani and Mark Zarrillo

**Staff Present:** Polly Selkoe, Karen Martin

Chair Linda Hamlin called the meeting to order at 7:30 pm.

### **ZONING AMENDMENT WARRANT ARTICLES**

#### **Warrant Article 19: Transit Parking Overlay District**

Petitioner Scott Englander gave a presentation of his article that summarized the background and purpose. The article will impact parking minimums for new developments located within ½ mile of the MBTA Green Line. This article is similar to Article 10 proposed in 2013. Mr. Englander explained that current parking minimums are too high and have led to more large, luxury-style buildings that are out of scale and have numerous negative consequences.

#### **Public Comment:**

**John Hebert, 21 Auburn Street:** When was the current regulation implemented? What do you see as the effect on building size/population in schools and town? On his street, a parking lot will be built with a building and five stories of underground parking with this requirement. 5 stories would not be needed and the developed would be stopped from adding spaces by cost. There are a lot of old buildings with no parking. A .5 requirement for studios would put an extra burden on residents who don't have parking. He believes the pendulum is swinging too far in the other direction from 2010 and wants a serious discussion on the consequences.

Mr. Hines replied that this presentation is proof of a serious study. He stated that we shouldn't use parking as a stick to beat down development.

Mr. Zarrillo stated that the photos in the presentation are misleading. These examples are lots with small square footage. Parking is not counted towards the FAR. There are bigger issues behind these poor building designs than just parking, namely FAR requirements.

Mr. Heiken pointed out that the 2013 proposal was townwide.

Ms. Hamlin stated that open space on properties is destroyed by the parking requirements.

**Judith, 16 Columbia Street:** This will put a bullseye on her neighborhood. More developers will come in and be able to build more. She believes developers should need to seek relief and that we should not give relief to these types of projects.

Mr. Hines stated that you usually end up with more pavement for cars. If developers didn't have to comply we would see more open space. He is not sure this is the stick to use against developers.

**Karen Stram, Babcock Street:** She agrees with this proposal. She believes fewer cars is what Brookline is known for.

**Bob Miller, 19 Copley Street:** Based on the data, we now have an atmosphere based on lower parking ratios. He wants to be able to walk to places. A high auto environment lessens amenities. When you provide for more than the needed parking, people complain of traffic and can't find parking. There should be a variety of housing. We should value people who don't have cars.

**Jonathan Davis, 125 Park Street:** He urges the Board not to jump on this until looking into L and G district impacts. Mr. Davis described how this proposal could result in developers tearing down one-story commercial buildings within the TPOD. They will be torn down because residential parking is cheaper than commercial buildings. He raised policy issues and asked why it is good to support market rate construction in North Brookline. Also, studios can hold families. Market rate housing pushes the 10% 40B goal further.

Ms. Selkoe pointed out that in L and G districts, 40% of the ground floor may be residential. Ms. Selkoe stated that the article didn't pass due in 2013 to unclear answers about family sizes.

**Beth Kates, 105 Centre Street:** She urges the Planning Board to go out and see what's going on. People on her street rent spaces in other buildings. She doesn't know if reducing parking spaces will reduce the need for garage entrances. She thinks the traffic in Brookline is from outside of town. Elderly caregivers need parking. People don't always use their cars to get to work but they do use them for other purposes. The Green Line is not sufficient.

**Abby Swain, Public Transit Committee, 6 Amory Street:** She lives in a 2 family with numerous tenants over the years who have never needed more than one parking space. She believes the elderly are looking to reduce their car ownership. ½ mile walkability is consistent with LEED standards.

Mr. Heiken agrees with a number of points made by the opponents of the article. He stated that we are seeing a decrease in car ownership but an increase in shared use vehicles. This article does not prevent developers from putting in what they need. The 2000 article was an attempt to stave off development. He is in support of this article. It would impact not only large development but conversions of 2 or 3 families to 3 to 4 families.

Mr. Hines agrees with Mr. Heiken. He adds that we may want to have control over commercial parking. He supports this article and hopes it gets passed. He believes other strategies are needed to quell development.

Mr. Cook is in support of the article.

Mr. Modigliani stated that this is the first article relating parking requirements for properties located near rapid transit. He believes that if you build parking, cars will come. If parking becomes expensive, people will look elsewhere for parking. We need to send signals to people to use transit. He doesn't agree that more development will occur if there are reduced parking requirements. He is in favor of the article.

Mr. Zarrillo is in favor of the article. In his opinion, parking doesn't create traffic. He believes traffic is caused by people from Boston cutting across town. The rest of the article is good. He would have liked to see a connection to zoning especially in T districts.

Mr. Heiken pointed out that the proposal for the Emerald Island Special District includes low parking requirements, so following the same direction makes a lot of sense.

Ms. Hamlin stated that the Planning Board looks at parking every week with ridiculous amounts of parking required on lots. She would like to see parking maximums put in place as well. She was disappointed with the 2000 outcome and believes the Board can work on fixing any unintended consequences.

**Linda Hamlin made a motion to recommend FAVORABLE ACTION on Warrant Article 19.  
Mark Zarrillo seconded the motion.**

**The Planning Board voted 6-0 to recommend FAVORABLE ACTION on Warrant Article 19.**

#### **Warrant Article 17: Electric Vehicles**

Petitioner Scott Ananian presented the background of the article. This article will require an outlet for new construction or a change of use whenever off-street parking requirements are triggered. Outlets would need to be provided for 2% of the total required parking spaces or at least one space, whichever is greater.

Mr. Modigliani asked about the difference between "ready" and "installed". He also had questions from the draft Planning Board report. What would happen if you added a new parking space on your property?

Mr. Ananian said he spoke with Dan Bennet in the Building Department who determined that this would apply to "new construction and substantive changes".

Mr. Heiken stated that the new section doesn't specify when the amendment is approved.

Mr. Modigliani believes that the article needs to look into additional circumstances such as adding a new garage or new parking space or repairing a driveway.

The Board determined that small changes to the language of the article would be acceptable. Mr. Ananian stated that he left the language intentionally broad. The Board also noted that there is a national electric code but that Massachusetts has not adopted this relevant piece of the national code. This article also allows for installation in condos.

Mr. Hines stated that he favors the article but that it needs improvements to the language on where it does/does not apply. It needs to clearly say what triggers the requirement for outlets.

Mr. Ananian asked if the Board had any ideas. Mr. Modigliani suggests eliminating the single-family home requirement from this article as a way of getting around the Board's concerns.

Mr. Heiken stated that there is a lot more multi-family development in Brookline.

The Board discussed possible amendments to the article.

**Public Comment:**

**Karen Stram, Babcock Street:** Does not believe this can or should be required.

Linda Hamlin made a motion to recommend FAVORABLE ACTION on Warrant Article 17 with the amendment that the language "except for single-family homes" will be added.  
Mr. Cook seconded the motion.

The Planning Board voted 6-0 to recommend FAVORABLE ACTION on Warrant Article 17.

**Warrant Article 22: FAR**

Dick Benka presented the core recommendations of the FAR committee plus two alternatives. He also addressed the comments/concerns presented in the Planning Board's draft report on the article. He believes adding the word "substantially" requires an exercise of judgment but prevents gaming. Adding the word "modifications" keeps consistency with 5.22 and prevents loopholes. He also stated that the uniformity issue that was raised does not exist. The 10-year wait is not explicitly defined in the By-Law and should be clarified.

Mr. Heiken stated that he is inclined to accept the responses to the Planning Board comments. He wants to hear from Ms. Hamlin who sat on the committee.

Ms. Hamlin explained that the committee was worried about T districts which are not addressed by the article. She believes building to 150% without review is a concern. How do you prevent gaming of the system without restricting people who want to finish existing space?

Mr. Heiken stated it could help if we modify the definition of basement.

Mr. Benka replied that changing the definition was avoided because that would create non-conformities for many homeowners.

Mr. Zarrillo asked why 7.06.1.c was deleted. The Board discussed the requirement for both a Special Permit and design review and if both were necessary.

Ms. Selkoe pointed out that 150% was chosen because a basement and attic are about 50% of the total square footage. If it is changed to 130%, you can't finish both.

Mr. Benka said the committee is not tied to the 130% number.

Mr. Modigliani recalled that the FAR committee found that most homes in Brookline are 2.5 stories.

Ms. Selkoe asked Mr. Benka if they were talking to the Attorney General about treating old homes versus new homes differently. Mr. Benka said they did ask and it was found to be acceptable.

Mr. Modigliani asked the staff if they felt their concerns were addressed.

Ms. Selkoe said she still has concerns over paragraph “n”.

Mr. Modigliani commented that the Planning Board would be offering design recommendations to the ZBA. He asked what counts as a neighborhood. There is already a provision to consider neighborhood context.

**Public Comment:**

**Cindy Stumpo, 17 Yarmouth Road:** She had a meeting with Mike Yanovitch and Dan Bennet today to discuss this article. McMansions have always existed in Brookline and she has issues with preventing people from finishing their full build-out. She explained that Mr. Yanovitch gave her information that houses would need to be built with flat roofs if this article passed.

Ms. Hamlin commented that developers are building bigger homes than allowed.

Mr. Hines recapped that if a compliant house is being proposed that has unfinished basement and attic space that could become habitable, it can't overreach 150% of FAR.

**Ms. Stumpo** recalled her conversation with Mr. Yanovitch and how it would affect her neighborhood near the Country Club which has large lots. She believes a Special Permit and the historical delay are too time consuming.

The Board discussed that this is an attempt to level the playing field across all parts of town and that ultimately a new Special Permit would be required for these types of projects.

Mr. Modigliani asked why the article discriminates against new houses and not older houses? He stated that the initial concern was over 305 Reservoir Road. The problems areas are those such as T-5. Is this broad brush approach the right one? The issue has to do with context, though he is sensitive to this FAR approach.

Mr. Heiken feels that the Board should support this article but thinks it will be hard to get a vote.

Ms. Hamlin is worried about enforcement and unintended consequences but feels the community will for the 150% limit.

Mr. Modigliani suggested a discussion with the Building Commissioner. He feels it would be useful to hear his concerns.

The Board discussed a potential date for continuing the hearing. They agreed to continue it to Wednesday, October 19<sup>th</sup> at 8:15 am.

The meeting was adjourned at 10:55 pm.